UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ying NI
Rui Wen HE
Jie Wen HE

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Leon RODRIGUEZ, Director, U.S. Citizenship and Immigration Services,

Jeh JOHNSON, Secretary, Department of Homeland Security,

David L. Roark, Director, Texas Service Center, U.S. Citizenship and Immigration Services

Phyllis Coven, New York District Director, U.S. Citizenship and Immigration Services

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

COMPLAINT

Jury Trial: ☐ Yes ☒ No
(check one)

I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff
Name Ying NI
Street Address 91-15 Lamont Avenue, Apt 1G
County, City Elmhurst, Queens
State & Zip Code New York 11373
Telephone Number (718) 496 0336

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1
Name Leon RODRIGUEZ, Director, U.S. Citizenship and Immigration Services
Street Address 20 Massachusetts Avenue, N.W.

County, City Washington

State & Zip Code DC 20529

Telephone Number 1800 375 5283

Defendant No. 2

Name Jeh JOHNSON, Secretary, Department of Homeland Security

Street Address 245 Murray Lane, S.W.

County, City Washington

State & Zip Code DC 20528

Telephone Number (202) 282 8000

Defendant No. 3

Name David L. Roark, Director, Texas Service Center, U.S.C.I.S.

Street Address P.O. Box 851488 - Dept. A

County, City Mesquite

State & Zip Code TX 75185

Telephone Number 1800 375 5283

Defendant No. 4

Name Phyllis Coven, New York District Director, U.S.C.I.S.

Street Address 26 Federal Plaza, 8th Floor

County, City New York

State & Zip Code NY 10278

Telephone Number 1800 375 5283

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than $75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Questions ☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Administrative Procedure Act ("APA"), 5 U.S.C. 555(b) & 702; the Plaintiffs have a clear right to have an adjudication of their residency applications within "a reasonable time".

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship ______

Defendant(s) state(s) of citizenship ______

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? New York City

B. What date and approximate time did the events giving rise to your claim(s) occur?
Application for Lawful Permanent Resident (LPR) status was filed on December 18th, 2012 and remains pending.

C. Facts:
Please see attached Memorandum of Law

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

N/A

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. ____________________

Plaintiff asks that the District Court exercise its power under The Mandamus Act, 28 U.S.C. 1361 to compel the Defendants and their subordinates and/or agents to take all appropriate action to adjudicate Plaintiffs' long-pending applications for permanent residency without further delay.

Plaintiff also requests that the District Court award Plaintiff attorney fees and court filing fees as provided for in The Equal Access to Justice Act, 28 U. S. C. §2412(d)(1)(A).

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 28th day of December, 2016.

Signature of Plaintiff Ni Ying

Mailing Address 91-15 Lamont Avenue, Apt 1G
Elmhurst, NY 11373

Telephone Number (718) 496 0336

Fax Number *(if you have one)* ____________________

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of ________________, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: ____________________

Inmate Number ____________________

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SOUTHERN DISTRICT OF NEW YORK

Ying NI, Rui Wen HE, Jie Wen HE

against

COMPLAINT

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Jeh JOHNSON, Secretary, Department of Homeland Security,

David L. Roark, Director, Texas Service Center, U.S.C.I.S.,

Phyllis Coven, New York District Director, U.S.C.I.S.

ADDENDUM TO PART I, A; PARTIES IN THIS COMPLAINT:

Plaintiff #2: Rui Wen HE

Address: 91-15 Lamont Avenue, Apt 1G,
Elmhurst, NY 11373

County: Queens

Telephone: (718) 496 0336

Plaintiff#3: Jie Wen HE

Address: 91-15 Lamont Avenue, Apt 1G,
Elmhurst, NY 11373

County: Queens

Telephone: (718) 496 0336